GENERAL INDEX.

Page.

ABBOTT, AUSTIN, on demurrers.. 453

BALDWIN, President, address of 205

BOOK NOTICES:
Abbott's Trial Brief on the Pleadings..... 388
American State Reports, 18 and 19..... 240
Bigelow on Torts..... 388
Brewer and Laubscher's Ohio Corporations 428
Carson's History of The U. S. Supreme Court.. 389
Chaplin on Suspension of Alienation 428
Darlington on Personal Property..... 428
Drake on Attachment..... 364
Hun, vol. 59... 240
Miller on the Constitution 366
Porter on Bills of Lading 428
Rapalje's Digest of American Decisions and American Reports 344
Ray on Negligence 364
Revised Reports 364
Ringgold's Law of Sunday..... 450, 491
Lawyers' Reports, 9 and 10 and Digest..... 240
Sedgwick on Damages..... 323
Shirley's Leading Cases 407
Story on the Constitution 364
Stroud's Judicial Dictionary. 410
Thompson on The Law of Electricity 388

CORRESPONDENCE:
Ayes had it 471
Consular courts 100
Delegates to American Bar Association 140
Dog bark carries a case 120, 160, 200
Editor's letter from Europe 64, 125, 164, 181
Exceptions prove the rule..... 511
Lashaway v. Tucker 344
Pericles, authorship of. 300, 343
Puzzling question.. 100
Standing witnesses 200, 239
Tilden will 428, 471

CURRENT TOPICS:
Advertising, legal 302
American Bar Association — programme of annual meeting 102
annual address to..... 205
14th annual meeting 221
claim of Mr. Field to medal..... 102
American Law Review, notice of 202
Appeals, frivolous criminal 430
Arguments, elementary 101
Bar Association of Illinois, proceedings of. 282
Boardman, Judge Douglass, death of 242
Butler, General, his contempt of court..... 262
Breese, Judge Sidney, remarks on 262
Capital punishment by electricity..... 22
dilatory tactics of counsel 21
Codification 141
in England..... 366
Coleridge, Lord, as a literary critic 400
Columbia College Law School. 389
Cooley, Judge, his resignation..... 242
Concealed weapons — carrying..... 241
Copyright law 41
Courts of Appeal — the new Federal 1
Criminal law — defects in punishment 345
defenses, novel 300, 410
Lord Coleridge on unreasonable detention..... 430
murder taking effect in another State..... 475
reformatories..... 366
statistics of 322, 473
concealed weapons. 302
Cumming trial 2
Dictionary, Judicial, Stroud's, notice of..... 410
Dies Iræ — list of versions 430
District of Columbia — justice in..... 122
Divorce — in Dakota 121
hair and threads in evidence. 430
reform 162
Dutch literature 430
Dwight method of legal instruction. 514
Editor, return of the "Able" 161

CURRENT TOPICS — Continued. Page.
Executions and the newspapers..... 494
"Faithists" case..... 321
Grand jury system — Canadian judges on..... 429
Green Bag, notice of..... 103, 421, 494
Forum, The, notice of..... 390
Heredity, Dr. G. C. Smythe on. 301
House — the black man's castle 346
House of Lords, law of..... 282
Indictments — "drowned" not equivalent to murder. 82
Initiation into secret society — injury to a lawyer by. 494
Insanity, emotional..... 23
Interruptions of counsel..... 101
"Iron Man" — removal of..... 474
Journal of Jurisprudence — on foreign letters..... 302
discontinuance of..... 494
Judges — appointment of new circuit..... 513
assessment for election of..... 409
railroad passes to..... 513
political partisanship 389
retirement of..... 61
Jurisdiction in the Levant..... 41
Law journals, age of. 282
Laws, enforcement of 201
Lynch law 202
Mr. Kennedy on 142
McVickar, Wm. Bard, "Lays of a Lawyer"..... 346
Married women — the Jackson case 81
John Randolph Tucker on..... 449, 450
Maule, Baron, anecdote of 282
Miller, Mr. Justice, his lectures on the Constitution.. 366
Negligence — injury in saving another 122
New Haven railroad directors, trial 2
Newspapers — on crimes and courts..... 514
on law of marriage. 163, 475
trial by..... 2
Page, Thomas Nelson, on the old Virginia lawyer. .. 450
Pardons at Thanksgiving..... 473
Pensions for judges 261, 450
Pollock's Revised Reports..... 141
Rice, Mrs. Mary L., her abstract of New York laws concerning married women..... 494
Reform of the law 162
in England..... 81
in Virginia..... 22, 365
Reporting in Canada..... 141
Revised reports of England..... 23
Roads, convict labor on..... 281
Ross case, the. 42
San Francisco Blue Book. 450
Sedgwick on Damages — notice of..... 323
Servant, injunction against enticing..... 142
Servant maids and caps 241
Sewell, Robert, founds law library in London 103
Shakespeare's Richard Third, Bankside edition..... 409
Bankside Pericles..... 222
Slander of women 121
Solberg, Thorvald, not a foreigner. 83
Stephens, Sir James Fitzjames, retirement of..... 61
Sunday — concerts 430
observance — Mr. Ringgold's argument..... 450, 493
Supreme Court of the United States sued..... 282
history of, by Carson 389
Tilden will case 365, 474
Trial by jury — Alfred Russell on..... 241
Tribune on legal poetry..... 202
Vacation..... 161
Vociferation 410
Wedding in legal journalism 163
Western Law Times, notice of..... 322
Wills — technical construction..... 345
witnessing in fiction..... 514
Women lawyers in England 82

GALE, JOHN B., on "Exception Tests the Rule".. 477
GAYNOR, W. J., on charging debts and legacies on land by will..... 186

LEADING ARTICLES:
Burr's trial — Jefferson's contempt..... 342
Charging debts and legacies on land by will.... 186

LEADING ARTICLES — Continued. Page.
Clitheroe case ... 255
Criminal law, curiosities of ... 334
Cumming trial — Sir Edward Clarke ... 5
Delay and uncertainty in courts ... 285
Demurrers ... 453
Emmet's tribute to American judges ... 60
Exception tests the rule ... 477
Fortune telling ... 45
Judges, nominations for ... 25
Juridical evolution ... 432, 497
Justices of peace in England ... 294
Maffia, or criminal aristocracy ... 360
Penal Code of Italy ... 403
Taxation of inheritances ... 478

LEWIS, CHARLES T., on Penal Code of Italy ... 403

McDONALD, ARTHUR, on the Maffia ... 360

MOORE, GEORGE F., on justices of peace in England ... 294

NELSON HOMER, A., portrait of ... 320

NOTES:
Advertising by lawyers ... 364
Animals — setting dog to chase cat in street ... 20
Assault by railway company's servant ... 492
Baccarat trial ... 60
Baron and feme ... 471
Base ball game between lawyers and clergymen ... 320
Black cat case ... 511
Black, Judge, anecdote of ... 448
Boycotting ... 364
Brady on stealing apples ... 160
Charitable gifts ... 368
Coke not coal ... 260
Coleridge, Lord, on arbitration ... 471
College degrees — refusal to grant ... 80
Coroners' jury, verdicts ... 511
"Counsellor" of New York Law School ... 388
Cow entitled to a bed ... 388
Crime in England ... 407

NOTES — Continued. Page.
Cumming trial — Sir Edward Clarke's speech ... 20
Demurrers — Chief Justice Bleckley on ... 532
Dog-cunning in sheep killing ... 200
Ear maiming in Texas ... 471
Editorial critics of the judges ... 180
Evidence ... 240
of parties ... 220
Federal Circuit Courts, statistics of ... 448
Foot and head ... 260
Friday, not unlucky ... 492
Mr. Higgins' retirement ... 240
The "Iron Maiden" of Nuremberg ... 140
A kissing judge in India ... 120
Law Quarterly Review, notice of ... 120
Lawyers' habits in drink ... 344
Matrimonial differences in Chicago ... 140
Murder, definition of ... 200
Photography, falseness of ... 408
Rats — act of God, etc ... 100
Reputation at law ... 200
Salaries of attorney-general and solicitor-general ... 471
Salary of lord chancellor ... 407
Sentence to eat green fruit ... 260
Session laws, mistakes in ... 160
Slander of women bill ... 220
Swearing witness without a right arm ... 511
Trial by jury in India ... 180
Slow in India ... 140
Turn-tables and small boys ... 388
Whipping criminals ... 532
Will, a curious ... 344
Women not lawyers in Canada ... 60

ROGERS, R. V., on fortune telling ... 45

RUSSELL, ALFRED, on delays and uncertainty in courts ... 285

WILLIAMS, WM. PIERREPONT, on Taxation of Inheritances ... 478

INDEX-DIGEST

TO

ABSTRACTS, CASES IN FULL AND NOTES OF CASES.

Page.

ABATEMENT. Another action pending—costs ... 467
ACCORD AND SATISFACTION. Joint tort ... 495
ACTION. Consolidation—injury to person or property by same act ... 64
AGENCY. Sales—burden of proof—mailing letter—presumption ... 36
ALIENS. Naturalization—municipal court—Act of Congress April 14, 1802—United States Revised Statutes, § 2165 ... 170
Right to take by descent ... 155
ANIMALS. Injuries by—vicious dogs—negligence of owner ... 151
Wife harboring vicious dog belonging to her husband ... 432
APPEAL. Amount in controversy—patents—royalties ... 133
Bond—liability of sureties ... 423
Condemnation proceedings ... 134
None from confirmation of award by commissioners ... 154
Court of Appeals—stipulation ... 154
Discretion of General Term ... 468
Dismissal of complaint—cancellation of release of judgment ... 467
Executors—right of, to appeal ... 444
Judgment on—conditional affirmance ... 426
Mandamus—dismissal ... 154
Order—accounting ... 405
Punitive costs ... 112
Religious corporation ... 154
ASSIGNMENT FOR CREDITORS. Blank as to grantee ... 524
Good-will—trade-marks ... 274
Preference ... 105
When fraudulent ... 156
Proof of claims ... 483
ATTACHMENT. Affidavit on information and belief ... 154
Assignment for creditors—fraud ... 112
Motion to dismiss—affidavit ... 112
ATTORNEYS. Admission—right of women ... 358
ATTORNEY AND CLIENT. Compelling attorney to pay money to client—discretionary ... 51
Services—withdrawal ... 301
Settlement of case—lien of attorney—laches ... 112
AUTOPSY. Unauthorized—liability to heirs ... 476

BAIL. Indemnified sureties ... 431
BAILMENT. Loss by fire—liability of bailee—breach of contract ... 468
BANKS. Collections—conflict of laws ... 112
National—liability of directors—negligence—resignation ... 37
Subscriptions to stock—stockholders ... 51
Taxation—deduction of indebtedness ... 400
Savings—payment of deposit on forged receipt—liability ... 405
BOARD OF CLAIMS. Jurisdiction—canals—liability of State for injuries through defective bridge on abandoned canal ... 175
Practice—appeal ... 175
BOARD OF HEALTH. Jurisdiction—fees from vessels ... 349
BROKER. Commission ... 224
Factor—accounting—advances—review on appeal ... 115
Stock broker—Innocent sale of stolen stock—liability to owner ... 193

CANALS. Lands taken for—limitation of action for such taking ... 12
CARRIER. Bill of lading ... 78
Of freight—limiting liability ... 73
Of passengers—"contract ticket" exempting from liability—lex loci ... 14
Liability for injury—limitation ... 406
Ejection of passenger—damages ... 127

CARRIER—Continued. Page.
Refusal to accept ticket ... 156
Failure to deliver goods—declaration of agent ... 117
Injuries to passenger—evidence—speed of train—non-expert witness—new trial—new verdict of jury ... 177
Riding on baggage car—assumption of risk ... 57
Loss of goods—game laws—inter-State commerce ... 156
CONFLICT OF LAWS. Carriers—limiting liability ... 57
Death by wrongful act ... 94
Rate of interest ... 468
CONSTITUTIONAL LAW. Assignment of claims against laborer—exemptions ... 490
Citizens—aliens—right to dower ... 131
Exclusive franchise—obligation of contracts ... 36
Ex post facto law—prosecution by information ... 507
Foreign express companies—license fees—inter-State commerce ... 8
Game laws—police power ... 515
Indictment and information ... 131
Inter-State commerce—common carriers—removal of paupers ... 275
Impairment of obligation ... 178
Inspection laws ... 11
Legislative powers—invasion by the judiciary ... 515
Municipal corporations—taxation ... 252
Navigable waters—encroachments ... 487
Original package—statute—valid in part ... 347
Officer—compensation ... 177
Peddlers ... 15
Police power—natural gas—pressure in pipes ... 145
Taxation—express companies—inter-State telegraph ... 509
Peddler's licenses—sale by samples ... 347
Re-sentencing prisoner ... 63
Ships on inland rivers—limiting liability ... 5
Syracuse water supply—Skaneateles lake ... 167
Taking property for private use ... 445
Taxation—inter-State commerce ... 30
——; of lawyers ... 283
Title of act—"trade"—embraces insurance ... 243
CONTRACT. Breach—excessive damages ... 134
Building—construction—destruction by fire ... 14
Consideration—duress ... 114
——; restraint of trade ... 95
——; transfer of wife's choses in action—ratification ... 232
Gambling—speculation in stocks—margins—action to recover money lost ... 96
Public policy ... 238
To indorse notes—lex loci ... 216
Restraint of trade ... 235
——; covenants for third persons ... 423
Sale—construction of ... 114
For sale of lands—hazard as to quantity—specific performance—receipt ... 178
"To satisfaction" ... 39
Submission of disputes—fraud ... 362
COPYRIGHT. Webster's Dictionary ... 525
CORPORATION. Action to forfeit charter—constitutional law—costs—valuation of franchise ... 483
Certificate forged by president ... 142
Contract—agency—ultra vires—trust combination ... 57
Foreign—organization—user—pleading—province of jury ... 484
Improper issue of bonds—damages ... 137
Officers and agents ... 424
May purchase stock of other corporation ... 23
Rights of stockholders—change of plans—ratification ... 483
COSTS. Allowance to counsel—accounting of trustee ... 84
Extra allowance ... 134
—— on appeal ... 484
Offer of judgment ... 424
Code Civ. Pro., § 1956—usurpation of office ... 154
CRIMINAL LAW. Abortion—advising ... 526
Appealable orders—denial of motion for new trial—stay of execution ... 484

CRIMINAL LAW—Continued. Page.
Bribery ... 526
Homicide—drunkenness ... 323
——; evidence of other crime ... 316
——; manslaughter—opinion evidence—arguments ... 338
——; self-defense ... 124
Embezzlement—clerk of county commissioners ... 250
Intoxication as a defense ... 257
Indictment—larceny ... 275
——; motion to quash—stenographer in grand jury room ... 17
Insanity ... 256
Jurisdiction of Federal courts—bringing stolen property within jurisdiction ... 16
Larceny—escaped convict ... 113
Sufficiency of evidence ... 468
Lotteries—advertisement and tickets ... 384
Profanity—alder by verdict ... 352
Receiving stolen goods—evidence ... 59
Unlawful assembly—evidence necessary to convict—Penal Code, section 451, subd. 3 ... 136

DAMAGES. Exemplary ... 303
Measure of, on breach of contract ... 155
Breach of building contract ... 424
In libel and slander ... 530
Of negligence ... 243, 290
Subsequent precautions ... 198
Profits ... 216
DEED. Conflicting descriptions—parol evidence—declarations and acts of grantor ... 469
To "heirs" of living persons, when valid ... 114
Mutual mistake—reformation—parol evidence ... 264
DEFINITION. Family ... 367
DURESS. Threats of criminal prosecution ... 316

EASEMENT. Right of way—unity of possession ... 339
EJECTMENT. Adverse possession—estoppel—fortifying title by buying off those attacking it ... 175
EMINENT DOMAIN. Evidence—damages—water rights ... 391
Conflicting rights—rapid transit railway—public park 469
Powers of cemetery association—constitutional law ... 527
Public use—elevated tramways ... 424
Railroad embankment in city street—change in the grade of street—compensation to abutting owners ... 485
Use of street by railroad—compensation—lot running from street to street ... 506
EQUITY. Bill to redeem ... 137
Jurisdiction—accounting ... 95
Parties ... 407
EVIDENCE. Admissions—res gestæ ... 406
Conversion—proof of value ... 84
Expert testimony—child-bearing perilous ... 243
As to date of receipt ... 37
Foreign law—presumption ... 108
Judgment—pedigree ... 66
Negligence—subsequent repair ... 324
Objections ... 52, 54
Parol to vary writing ... 114
To vary writing under seal ... 185
To explain writing ... 38
——; written contract—sale or bailment ... 384
Personal transactions ... 78
Physical examination of party ... 325
Privileged communications—evidence of admissions—trial—conduct of judge ... 485
Res adjudicata ... 136
——; judgment of State courts—effect of reversal on appeal ... 51
Res gestæ ... 258
Work done and material furnished—written and oral testimony ... 155
EXECUTOR AND ADMINISTRATOR. Action by—setting aside forged mortgage—rights of creditors ... 469
Ancillary letters—bond ... 52
Exemption—insurance derived from exempt property 528
Judgment against testator—statute of limitations ... 16
Power to carry on business of testator—indemnity—right of creditors of testator, and business creditors of executors ... 245
Sale of decedent's estate—when surrogate not qualified to sit—equitable conversion ... 114

FALSE IMPRISONMENT. Damages ... 124
Jurisdiction of justice—error of judgment ... 424
FISHERY. Evidence ... 384
FRAUD. Cancellation of contract—false representation ... 16
Co-conspirators—evidence—dismissal of complaint on appeal ... 407
Directors of company—prospectus ... 416
Disaffirmance of contract for delay ... 52
Failure to disclose insolvency—sale of goods ... 115

GIFT. Inter vivos—delivery ... 368
GRANT. Room in building—destruction by fire ... 204
GUARDIAN AND WARD. Accounting—jurisdiction of surrogate—trusts ... 134
Construction—bad faith ... 425

HABEAS CORPUS. Return—sufficiency—practice ... 425
INFANTS. Necessaries—action ... 179
Against parent ... 117
Sheriffs—age of deputies ... 529
INJUNCTION. Apprehended nuisance—city sewers. 17
Cannot be disregarded, though irregular—service on agents ... 93
Pleading ... 491
INNKEEPER. Liability to guests—onus of proof ... 235
——; loss of baggage ... 17
INSANITY. Application to set aside inquisition—costs ... 470
INSURANCE. Accident—hunting on Sunday—violation of law ... 317
——; intentional injuries—voluntary exposure ... 304
——; "sun-stroke" ... 110
Cancellation of policy—delivery to agent ... 485
Conditions of policy—failure to pay premium note—waiver ... 196
——; ownership ... 117
Fire—employment of watchman ... 83
——; subrogation of insurer—action—parties ... 49
Misdescription in fire policy ... 258
Foreign—excluding from State—retaliatory legislation. 276
Life—change of beneficiaries ... 258
——; policy payable to children—rights of administrator ... 516
——; liability—death from inhaling gas ... 318
——; mutual benefit—rights of beneficiary ... 79
——; policy in favor of wife—death of insured caused by felonious act of wife ... 382
——; proof of death—physician's certificate—record of board of health ... 47
Marine—general average—damage by water—liability of ship-owner ... 157
Re-insurance on excess—contract—local custom ... 37
Renewal of policy—payment of premium ... 58
INTEREST. On damages for tort ... 348
INTOXICATING LIQUORS. Illegal sales—action on license bond ... 158
"Wilson bill"—original packages ... 26

JUDGMENT. Of another State—effect ... 51
By confession—when not set aside ... 184
——; action on, in another State ... 384
Plea in abatement ... 179
Vacating satisfaction—compromise—rescission—attorney's lien ... 134
JURISDICTION. Federal court—negotiable instrument ... 197

LANDLORD AND TENANT. Attornment—Notice—letters ... 239
Lease of bawdy house—right to recover rent ... 39
Care of stairway in tenement—contributory negligence ... 176
When title to crops reserved to landlord ... 38
Dangerous premises ... 134
Falling walls of leased building—personal injuries ... 137
Hallways not leased—duty to light—contributory negligence ... 197
Remedies of tenant—breach of covenant ... 217
Tenancy from year to year—notice ... 115

MALICIOUS PROSECUTION. Probable cause—Penal Code, § 629 ... 155
MANDAMUS. Auctioneer's license ... 79
Refusal to administer oath of office ... 485
MANURE. When real estate ... 44
MECHANICS' LIENS. Property—subject to—interest of vendor ... 407
MARRIAGE. Alimony—wife's creditor cannot reach ... 180
Breach of promise—corroboration—omission to answer letters—possession of ring ... 396
Conveyance—covenant—acknowledgment ... 173
Estate by entireties—liability for husband's debts—fraudulent conveyances—ejectment ... 339
Divorce—adultery—circumstantial evidence ... 79
——; condonation ... 277
——; connivance ... 218
——; alimony—enforcement in sister State ... 426
——; validity ... 885
——; state jurisdiction ... 62
Foreign divorce—right to re-marry ... 198
Husband's agency—painting wife's house—evidence. 198
Gift of wife's earnings ... 491
Pledging husband's credit—necessaries—counsel fees 104
Presumption—physicians—employment by husband to attend wife ... 80
MASTER AND SERVANT. When relation exists ... 144
Assurance of safety—contributory negligence ... 183
Common employment—contractor and sub-contractor 354
Contract of hiring—breach—damages ... 522
Dissolution of partnership—termination of contract of employment ... 198
Defective appliances ... 18, 340, 470
Fellow servants ... 236

MASTER AND SERVANT—Continued. Page.
Negligence of fellow servant ... 80
Duty of master to supply proper tools ... 52
Injury to car repairer—rules of company—instructions ... 486
Negligence—dismissal of complaint ... 153
Notice of incompetency of co-servant—violation of rules ... 98
Railroads—co-servants—rules ... 54
Injuries—servant—negligence of fellow servant ... 58
Liability for servant's torts—ratification ... 333

MORTGAGE. Foreclosure—payment—presumption—possession of bond ... 155
—; tender ... 53
—; foreclosure—when wife bound by agreement of husband ... 53
Of homestead—failure of wife to acknowledge ... 97
Mechanics' lien—priority—counter-claim—waiver ... 135
Redemption—contribution—fraud ... 54
Subrogation to rights of first mortgagee ... 486

MUNICIPAL CORPORATION. Control of streets—telegraph lines—compensation ... 133
Icy sidewalks—notice ... 135
Lease—implied renewal ... 98
Legacy ... 112
Ordinances—preventing nuisances ... 521
—; storage of oils ... 530
Negligence of officers .. condition of town jail ... 393
Purchases for—how made—liability—quantum meruit ... 411
Sewer—injunction against construction ... 116
—;discharge on another's land—injunction ... 444

NEGLIGENCE. Breaking of rein, when not contributory ... 135
Children in highway ... 176
Contributory—leaving horse unhitched ... 40
Hospital's duty to patient ... 199
Imputed—voluntary exposure ... 190
—; passenger and driver ... 303
Injury by street car—review on appeal ... 70
Landslide not an "act of God" ... 33
Proximate and remote cause ... 391
Steam fitting—liability of ... 135
Pulling down walls—damages ... 117

NEGOTIABLE INSTRUMENT. Acceptance of check ... 277
Certificate of protest—notary of sister State ... 138
Fraud—bona fide purchaser—usury ... 486
Indorser "without recourse"—liabilities ... 510
Duty of indorsee—payment of debt ... 55
Joint re-issue of note ... 531
Statement of consideration—payable after death of maker ... 46
Guaranty—parol evidence ... 219

NEW YORK CITY. Aqueduct commission—has no power to suspend inspector without pay ... 176

NUISANCE. Obstruction of light—injunction ... 58
Obstructing sidewalk—abatement by individual ... 439
Restraining—remedy by criminal prosecution ... 411
When a private nuisance gives a right to relief in equity—adverse possession ... 56

OFFICE AND OFFICER. Appointment—constitutional law ... 259
Chief of police—eligibility ... 277

PARENT AND CHILD. Death by wrongful act—action for injury to adult child ... 517
Negligence of parent—toy gun in hands of child ... 451
—; injury by street car—review on appeal ... 70

PARTNERSHIP. What constitutes—evidence ... 138
Authority to give notes—presumption—evidence ... 413
Giving of note by one partner—assignment for creditors—preferences ... 79
Notes—individual debts—fraud ... 180
Loan—evidence—letter ... 135
Sale of assets—fraud ... 219

PATENTS. Jurisdiction of State courts ... 13

PLACE OF TRIAL. Change—prejudice of judge—prejudice of people ... 387

PLEADING. Action by wife—allegation of separate business ... 412
Answer—demurrer ... 79
General denial—illegality of contract ... 176
Libel—good character—evidence ... 278
Supplemental complaint—estoppel—interest ... 426

PLEDGE. Of note—right of pledgee ... 259

PROHIBITION. When lies ... 219

RAILROADS. Accident at crossing—failure to look or listen—absence of signals ... 18
—; flagman ... 340
Dangerous premises—turn-table—"attraction" to child ... 386, 398
Elevated—injury to rental value ... 56
—; evidence of title damages ... 486
—; opinion evidence ... 446, 454
Fencing track on own land ... 83
Fires—defective engines—evidence ... 479
—; remote and proximate cause—evidence—damages ... 295
Frightening horse at station ... 531

RAILROADS—Continued. Page.
Injury to passengers—evidence—contributory negligence ... 139
Leaving hand-car unguarded ... 510
Obstructed street—passing between cars ... 103
Street railroads ... 55
—; injury to passenger—boarding moving car ... 138
—; electric—single trolley overhead system—rights of telephone companies ... 86
Title by dedication to public use ... 43

RECEIVER. Attachment—levy before possession taken ... 180
Discharge pending suit—revivor ... 199

REFORMATION. Of contract ... 470

REMOVAL OF CAUSE. Citizenship—joint stock company ... 239
Federal question—Inter-State Commerce Law ... 59
Against National bank—receivership ... 199

REPLEVIN. Amendment of undertaking for return of property ... 470
Property in hands of receiver—appointment of receiver—notice ... 487

REWARD. Offered by city—personal liability of mayor ... 495

SALE. Action for p..ce—charge of court ... 40
—; pleading and proof ... 487
Conditional—action for price ... 139
Warranty—acceptance—damages ... 192

SEDUCTION. Evidence—corroboration ... 98

SHERIFF. Wrongful levy ... 470
See INFANTS.

SHIP AND SHIPPING. Charter party—cesser clause—bill of lading—demurrage—delay caused by strikes—liability of consignees of cargo ... 462
Maritime lien—admiralty jurisdiction ... 272
—; when not lost by receiving notes—unfinished vessels—place of contract—ferry boats ... 13

SLANDER AND LIBEL. Charge of being an anarchist ... 475
"Bad debt collecting agency" ... 279
Going to start house of ill-fame ... 164
Pleading—inuendo ... 475
Meeting of poor law guardians ... 319
Privileged communications—solvency of surety ... 197
Words actionable per se ... 300

SOCIETIES. Benevolent—rights of beneficiaries ... 94
Benefit—assessments—mandamus ... 78

STATE. Claim against—filing—constitutional law—allowance of barred claim ... 407

STATUTE. Appropriation of public money ... 445
Sales of liquor to minors—permit from parent ... 20
Two-thirds vote—evidence ... 487

STATUTE OF FRAUDS. Collateral or independent contract—consideration ... 3
Debt of another ... 263
Agreement to lease—memorandum ... 223

STATUTE OF LIMITATIONS. Applicability—continuing trespasses on land—acquiescence ... 434
Foreclosure of mortgage ... 487
Mismanagement of wife's estate ... 155
New promise ... 278
Trust ... 94
See TENANCY, 489; TRUST, 328.

SUMMONS. Service by publication—affidavit of non-residence ... 445

SUNDAY. Constitutional law—fourteenth amendment—religious liberty—due process ... 309

TAXATION. Assessment—description of lands—board of equalization—time of meeting—notice—vacation of tax deed—terms ... 499
Bond of collector—liability of surety—contribution—lien on real estate of surety—priority of lien—redemption of land taken ... 136
Brooklyn—notice of sale—mandamus ... 94
Capital stock—railroad—property outside State ... 279
Corporations—joint-stock company ... 99
"Actual value" of capital stock ... 56
Tax deed—conclusiveness—assessment of non-resident's lands—effect of payment ... 507
Electric lighting companies—manufacture—exemption—penalties ... 393
Exemption—investments of non-residents ... 446
Manufacturing companies—electric companies ... 451
Redemption—infancy ... 488
Sale—redemption ... 116
Reimbursement of purchasers—limitation ... 446
Telegraph companies—constitutional law—money paid into court—application—interest ... 37
See TENANCY.

TELEGRAPH. Action for delay in delivering message ... 332
Negligence—damages ... 99
Mental suffering ... 329, 431

TENANCY. In common—purchase at tax sale—trustee ... 199
Trespass—injunction—trees ... 59
Conveyance by life-tenant—frauds—rights of remainderman—equitable estoppel—limitation of actions ... 489
By entirety—effect of divorce ... 488
From year to year—notice to quit ... 279
Pleading—statute of frauds—res adjudicata ... 499

Page.

TRADE-MARK. Cramp cure 203
Form of bottle 432
Injunction — local name 287
TRIAL. Conduct of judge 485
Equity — jury — release — duress 490
TRUST. Declaration — validity — breach — damages. 136
Deposit in savings bank 24
Equity jurisdiction — limitation of action — laches 328
Limitation of actions 150

USURY. Payment — action to recover 200
Question of fact 490

VENDOR AND PURCHASER. Action for earnest money — evidence — "marketable title" 427
Refusal of vendees to accept goods — damages 282
Rights of vendee — interest in contract — assignment . 446

WATER AND WATER-COURSES. Obstructions — action for damages 269
Non-navigable meandered stream — ice 159
Pollution of stream — injunction 138

WATER AND WATER-COURSES — Cont. Page.
Riparian owner — pasturing cattle 143
Surface — collection and precipitation 516
WILLS. Annuity — charge on realty 94
Charge of land 341
Charities — perpetuities — residuary legacies — costs ... 305
Discretion to select beneficiary — perpetuities 314
Construction 13
——: power of devisee to mortgage — priorities 447
——; power of executor to sell land — payment of debts — estoppel 447
Conversion of real estate — suspension of alienation ... 447
Execution — undue influence — burden of proof 79
Holograph — execution of — acknowledging signature. 13
When carries interest from testator's death 175
When a life estate is given 59
Restraint of alienation 447
Trust — to found public library — uncertainty 368
——; unexpended profits — remainder 280
Vesting of estate — legacies charged on land — bond of executors 139
WITNESS. Code Civil Procedure 66
Competency — conviction of felony — pardon 100
Transaction with decedents 225